



#14 / Response  
10/3/02  
C. Paris

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kiyoichi SUWA

Application No.: 09/729,339

Filed: December 5, 2000

For: MASK, EXPOSURE METHOD, LINE WIDTH MEASURING METHOD, AND  
METHOD FOR MANUFACTURING SEMICONDUCTOR DEVICES

Group Art Unit: 2818

Examiner: Q. D. Hoang

Docket No.: 108057

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**REQUEST FOR WITHDRAWAL OF FINALITY  
OF SEPTEMBER 16, 2002 OFFICE ACTION**

Director of the U.S. Patent and Trademark Office  
Washington, D.C. 20231

Sir:

The Patent Office issued an Office Action for this application on September 16, 2002. The Office Action is a Final Rejection. Applicant respectfully submits that the Office Action should not have been made final. Accordingly, in accordance with M.P.E.P. §706.07(a), Applicant requests that the finality of the September 16, 2002 Office Action be withdrawn.

The rejection of claims 2-4 and 12-14 was not necessitated by Applicant's July 3, 2002 Amendment because original claim 2 was merely amended into independent form to include the subject matter of claim 1, from which it depended. In the Office Action mailed January 4, 2002, claims 2-4 and 12-14 were not rejected, but rather were deemed "allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claim." As noted above, claim 2 was amended as suggested in the January 4 Office Action. However, the September 16 Office Action now rejects claims 2 and 3 over

Taten et al., the very reference that was not applied against these claims (but was applied against other claims) in the January 4 Office Action.

As stated in M.P.E.P. §706.07(a), a second or subsequent action on the merits shall be made final "except where the Examiner introduces a new ground of rejection that is neither necessitated by Applicant's amendment of the claims nor based on information submitted in an Information Disclosure Statement...." The new rejection of claims 2 and 3 was not necessitated by Applicant's July 3 Amendment.

For at least these reasons, Applicant respectfully requests that the finality of the September 16 Final Rejection be withdrawn.

Should the Examiner desire to contact Applicant's representative, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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Date: September 26, 2002

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